

AMENDED IN ASSEMBLY JUNE 30, 2005

AMENDED IN SENATE MAY 4, 2005

AMENDED IN SENATE APRIL 20, 2005

AMENDED IN SENATE APRIL 6, 2005

SENATE BILL

No. 661

Introduced by Senator Migden

February 22, 2005

An act to add ~~and repeal Section 89241~~ of *Section 89241* to the Education Code, relating to public postsecondary education.

LEGISLATIVE COUNSEL'S DIGEST

SB 661, as amended, Migden. Public postsecondary education: California State University: ~~pilot program for financial aid for student athletes~~ *California Student Athlete Fair Opportunity Act of 2005*.

Existing law establishes the public postsecondary education system in California. Among the segments of public postsecondary education in the state is the California State University, which is administered by the Trustees of the California State University.

This bill would ~~establish a pilot program to monitor student athlete academic progress that involves 6 campuses selected by the trustees and that commences in the 2006-07 academic year. The pilot program would include a maximum of 10 student athletes, representing a maximum of 2 varsity sports teams per participating campus. Under the pilot program, a first-year student athlete meeting prescribed criteria, including receipt of a full or partial athletic scholarship, would receive a student financial aid package containing specified benefits, including coverage of the costs of enrollment of up to 4 summer sessions and coverage of the costs of enrollment after the~~

~~student athlete has exhausted his or her athletic eligibility and is within a prescribed number of units of graduation~~ *require the trustees to ensure that all California State University campuses that provide athletic scholarships for student athletes also provide summer athletic scholarships commencing during the 2006 summer term.*

~~The bill would require the trustees to track the academic progress of the student athletes participating in the pilot program, and to include prescribed data about these student athletes, along with any findings and recommendations of the trustees, in a report to the Legislature to be submitted on or before July 1, 2011~~ *that the summer athletic scholarships provided under the bill be sufficient to cover the cost of tuition, fees, books, and supplies as calculated for purposes of the summer cost of attendance.*

~~The bill would require the trustees to fund the pilot program with a combination of general purpose revenues, alumni donations, and the proceeds of any campus fees that the students on a participating campus may authorize for the purposes of funding the pilot program~~ *ensure that all California State University campuses that are members of the National Collegiate Athletic Association have a comprehensive plan for the academic support of student athletes.*

~~The bill's provisions would be repealed on January 1, 2012.~~

The bill would require the trustees to report to the Legislature and the Governor on or before November 1, 2006, and subsequently on or before November 1 of each odd-numbered year, commencing on November 1, 2007, with prescribed data regarding the status of athletic academic progress and athletic academic support in the California State University system for all campuses that are members of the National Collegiate Athletic Association.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. *The Legislature finds and declares all of the*
- 2 *following:*
- 3 (a) *The graduation rates and academic progress rates of*
- 4 *student athletes are lower than those of the general student body*
- 5 *at several California State University campuses and among*
- 6 *specific athletic teams at California State University campuses.*

1 ***(b) Student athletes at the California State University face***
2 ***significant challenges in their attempt to be successful in their***
3 ***academic pursuits while meeting the demands of their sports***
4 ***obligations.***

5 ***(c) The California State University exercises its statutory***
6 ***discretion related to admissions policies to admit and enroll***
7 ***some students who are otherwise ineligible, solely because these***
8 ***students have athletic ability that will contribute to the sports***
9 ***enterprise of the campus.***

10 ***(d) Summer academic support is a valuable tool in helping***
11 ***student athletes reach their academic goals.***

12 ***SEC. 2. Section 89241 is added to the Education Code, to***
13 ***read:***

14 ***89241. (a) This section shall be known and may be cited as***
15 ***the California Student Athlete Fair Opportunity Act of 2005.***

16 ***(b) It is the intent of the Legislature to ensure that the Trustees***
17 ***of the California State University provide appropriate academic***
18 ***support services for student athletes and that those athletes are***
19 ***given a fair opportunity to earn a baccalaureate degree.***

20 ***(c) The trustees shall ensure, through executive order or***
21 ***regulation, that all California State University campuses that***
22 ***provide athletic scholarships for student athletes also provide***
23 ***summer athletic scholarships commencing with the 2006 summer***
24 ***term. The provision of these summer athletic scholarships shall***
25 ***be consistent with both of the following:***

26 ***(1) The requirements of Title IX of the federal Education***
27 ***Amendments of 1972, as amended from time to time.***

28 ***(2) The bylaws of the National Collegiate Athletic Association,***
29 ***as amended from time to time.***

30 ***(d) Students who are otherwise ineligible for admission to the***
31 ***specific campus of the California State University, but who are***
32 ***admitted under policies that permit those students to be admitted***
33 ***if they have athletic ability that will contribute to the campus,***
34 ***shall be given first priority for summer athletic scholarship***
35 ***assistance.***

36 ***(e) (1) Summer athletic scholarships awarded pursuant to this***
37 ***section shall, at a minimum, be sufficient to cover the cost of***
38 ***tuition, fees, books, and supplies as calculated for purposes of***
39 ***the summer cost of attendance under the provisions of Title IV of***

1 *the federal Education Act of 1965, as it is amended from time to*
2 *time.*

3 *(2) Nothing in this part shall be construed to limit a summer*
4 *athletic scholarship awarded pursuant to this section to any*
5 *amount less than that which is allowed under the bylaws of the*
6 *National Collegiate Athletic Association.*

7 *(3) Nothing in this part shall be construed to require the*
8 *expenditure of California State University limited financial aid*
9 *program funds.*

10 *(4) A summer athletic scholarship awarded pursuant to this*
11 *section shall be of sufficient amount and duration with regard to*
12 *the number of summer sessions and the number of units covered,*
13 *to provide a student athlete a fair opportunity to correct*
14 *academic progress problems through attendance in a summer*
15 *session.*

16 *(f) A summer athletic scholarship awarded pursuant to this*
17 *section may be funded through any revenue source available to,*
18 *or procured by, the campuses of the California State University,*
19 *including, but not necessarily limited to, gate receipts, donations*
20 *from alumni and others, corporate sponsorships, associated*
21 *student contributions, student fees that may be legally used for*
22 *this purpose, and the general fund budget of the athletic*
23 *department or the campus, or both. Nothing in this part shall be*
24 *construed to require the expenditure of California State*
25 *University general purpose funding as provided in the annual*
26 *Budget Act.*

27 *(g) (1) The trustees shall ensure, through executive order or*
28 *regulation, that all California State University campuses that are*
29 *members of the National Collegiate Athletic Association have a*
30 *comprehensive plan for the academic support of student athletes.*

31 *(2) The plan adopted pursuant to this subdivision shall be*
32 *consistent with the requirements of Title IX of the federal*
33 *Education Amendments of 1972, as amended from time to time,*
34 *and the bylaws of the National Collegiate Athletic Association,*
35 *as amended from time to time. This plan shall include, but not*
36 *necessarily be limited to, coordination with existing academic*
37 *and financial support services at the campus, evaluation of the*
38 *academic needs of student athletes, a set of academic support*
39 *initiatives, a financing plan for these initiatives and a*
40 *fund-raising strategy for the augmentation of these initiatives,*

1 *and a regular evaluation mechanism to monitor the academic*
2 *progress of athletes and the effectiveness of academic support*
3 *programs.*

4 *(3) Services provided under this subdivision may include any*
5 *of the following:*

6 *(A) Additional athletic financial assistance, which covers an*
7 *amount up to the cost of attendance under the provisions of Title*
8 *IV of federal Education Act of 1965, as it is amended from time*
9 *to time, for additional periods of attendance necessary for an*
10 *athlete to complete the requirements for a baccalaureate degree*
11 *after the student's period of athletic eligibility has ended.*

12 *(B) Employment assistance, including work study programs.*

13 *(C) Tutoring.*

14 *(D) Mentoring.*

15 *(E) Accommodations in the scheduling of class sections to*
16 *provide a fair opportunity for student athletes to attend required*
17 *courses in a manner that allows them to participate in the*
18 *requirements of their sports.*

19 *(h) (1) The trustees shall report to the Legislature and the*
20 *Governor on or before November 1, 2006, and subsequently on*
21 *or before November 1 of each odd-numbered year, commencing*
22 *on November 1, 2007, regarding the status of athletic academic*
23 *progress and athletic academic support in the California State*
24 *University system for all campuses that are members of the*
25 *National Collegiate Athletic Association.*

26 *(2) If any data that are required to be reported pursuant to*
27 *paragraph (3) could yield an individual identification of an*
28 *athlete, or if any data or information required to be reported*
29 *pursuant to paragraph (3) could be considered to be of a*
30 *proprietary nature as related to the sports enterprise of the*
31 *campus, those data may be forwarded under separate cover to*
32 *the relevant policy committees of the Legislature with a request*
33 *for confidentiality.*

34 *(3) The report required by this subdivision shall include, but*
35 *not necessarily be limited to, all of the following information:*

36 *(A) A five-year history of the graduation rate and Academic*
37 *Progress Rate of each team on each campus as calculated by the*
38 *National Collegiate Athletic Association, to the extent these rates*
39 *are available.*

1 (B) Annual admission category information for each team on
2 each campus that indicates the number and percent of students
3 admitted who were not eligible for regular admission to the
4 campus or the university.

5 (C) A summary of the academic initiatives and support
6 programs available to the athletes at each campus.

7 (D) If the campus participates in Division I, including any of
8 its subparts, of the National Collegiate Athletic Association, and
9 if any team or the athletic program overall has an Academic
10 Progress Rate score of less than 925 for any year, a summary of
11 the corrective action planned by the campus or athletic
12 department as well as a report on sanctions, if any, imposed by
13 the National Collegiate Athletic Association.

14 (E) The total budget for the athletic programs and each team,
15 including an itemization of the amount spent on athletic
16 scholarships and the amount spent on summer athletic
17 scholarships.

18 ~~SECTION 1. The Legislature finds and declares that the~~
19 ~~graduation rates for student athletes are considerably lower than~~
20 ~~the general student population. It is the intent of the Legislature~~
21 ~~to establish the best academic standards for student athletes by~~
22 ~~providing a fair opportunity for them to earn their college~~
23 ~~degrees.~~

24 ~~SEC. 2. Section 89241 is added to the Education Code, to~~
25 ~~read:~~

26 ~~89241. (a) The trustees shall select six campuses to~~
27 ~~participate, commencing in the 2006-07 academic year, in the~~
28 ~~pilot program established by this section. Up to 10 eligible~~
29 ~~student athletes, selected by the trustees or their designee, who~~
30 ~~shall represent a maximum of two varsity sports teams per~~
31 ~~participating campus, shall be involved in the pilot program. The~~
32 ~~selection and participation of campuses, sports teams, and~~
33 ~~students for the pilot program shall be accomplished in a manner~~
34 ~~that is consistent with the requirements of Title IX of the federal~~
35 ~~Education Amendments of 1972, as it is amended from time to~~
36 ~~time. The Legislature encourages the trustees to select, for each~~
37 ~~participating campus, the varsity sports teams with the lowest~~
38 ~~graduation rates, but leaves the organization of the pilot program~~
39 ~~established by this section to the discretion of the trustees.~~

1 ~~(b) In order to be eligible for participation in the pilot program~~
2 ~~established by this section, a student athlete who is a member of~~
3 ~~a varsity sports team selected pursuant to subdivision (a) shall~~
4 ~~meet all of the following criteria:~~

5 ~~(1) He or she shall agree to participate in the pilot program for~~
6 ~~a four-year period or until he or she graduates from, or otherwise~~
7 ~~ceases to be enrolled at, that campus or ceases to be a member of~~
8 ~~the participating varsity sports team, whichever occurs first.~~

9 ~~(2) He or she shall be a first-year student, commencing with~~
10 ~~the 2006-07 academic year, and shall not have been enrolled at~~
11 ~~another postsecondary educational institution prior to the campus~~
12 ~~he or she currently attends.~~

13 ~~(3) He or she shall be the recipient of a full or partial athletic~~
14 ~~scholarship.~~

15 ~~(c) In addition to his or her athletic scholarship, a student~~
16 ~~athlete who meets all of the requirements set forth in subdivision~~
17 ~~(b) shall receive, under the pilot program, a student financial aid~~
18 ~~package that includes both of the following:~~

19 ~~(1) Financial assistance that covers the actual costs of the~~
20 ~~student's tuition, fees, and books for up to 8 units per summer~~
21 ~~session for a maximum of four summer sessions.~~

22 ~~(2) Additional financial assistance that covers the actual costs~~
23 ~~of the tuition, fees, and books for a participating student athlete~~
24 ~~for a maximum of one semester, or two quarters, if that student~~
25 ~~athlete is within 15 semester units or 16 quarter units of~~
26 ~~graduation after the student athlete's four-year period of athletic~~
27 ~~eligibility has ended.~~

28 ~~(d) (1) The trustees shall track the academic progress of the~~
29 ~~student athletes who participate in the pilot program commencing~~
30 ~~with the 2006-07 academic year. The trustees shall monitor the~~
31 ~~number of courses taken and the grade point averages of the~~
32 ~~participating student athletes, as well as whether and when these~~
33 ~~students graduate. The university shall compare the graduation~~
34 ~~rates of the participating varsity sports teams before and after the~~
35 ~~commencement of the pilot program. The trustees shall conduct a~~
36 ~~survey of the students, coaches, and athletic administrators who~~
37 ~~are involved in the pilot program.~~

38 ~~(2) The trustees shall compile the data required by paragraph~~
39 ~~(1), and submit the data, on or before July 1, 2011, along with~~

1 any findings and recommendations that they make with respect to
2 the pilot program, as part of a report to the Legislature.

3 ~~(e) The trustees shall fund the pilot program established by~~
4 ~~this section with a combination of general purpose revenues,~~
5 ~~alumni donations, and the proceeds of any campus fees that the~~
6 ~~students on a participating campus may authorize for the~~
7 ~~purposes of funding the pilot program.~~

8 ~~(f) This section shall remain in effect only until January 1,~~
9 ~~2012, and as of that date is repealed, unless a later enacted~~
10 ~~statute, that is enacted before January 1, 2012, deletes or extends~~
11 ~~that date.~~